

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 27, 2006

D045569 Marquez v. Gough & Gough Inc., et al.

The judgment is affirmed. Marquez shall recover from Gough and G&G his costs and attorney fees on appeal, the amount of which shall be determined by the trial court. Nares, J.; We Concur: McConnell, P.J., Haller, J.

D044988 People v. Contreras

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Irion, J.

D046075 People v. Hayes

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Benke, J.

D045181 Estate of Murek

Affirmed. Irion, J.; We Concur: Benke, Acting P.J., McDonald, J.

D046546 People v. Soulivong

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D046261 Rose v. Urdanivia

The order is affirmed. Irion, J.; We Concur Benke, Acting P.J., McDonald, J.

D047654 In re Throop on Habeas Corpus

The petition is denied.

D047483 In re Morales on Habeas Corpus

The petition for reconsideration is denied.

D047817 Throop v. Superior Court of San Diego County/People

The petition is denied.

D047736 Mayer v. Superior of San Diego County/Kopp

The petition is denied.

D047765 In re Kevin Gunn on Habeas Corpus

The petition is denied.

D047949 Office Depot v. Superior Court of San Diego County/Armstrong

The petition is denied.

D044895 Huff v. Wilkins, et al.

[Text of order] The submittal in this case is vacated, and it will be resubmitted at a later date.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 28, 2006

D046281 City of San Diego/The Superior Court of San Diego County/Hanson et al.

Let a peremptory writ of mandate issue directing the superior court to vacate its order of March 29, 2005, denying summary judgment and to enter an order granting City summary judgment. The stay issued by this court on June 6, 2005, is vacated. Each party to bear its own costs on appeal. CERTIFIED FOR PUBLICATION. Benke, Acting P.J.; I Concur: McDonald, J.; I Concur: McIntyre, J. (opinion)

D045340 Anthony v. Snyder/Barratt American, Inc.

The judgment is reversed. Anthony is entitled to costs on appeal. McDonald, J.; I Concur: McIntyre, J., I Dissent: Benke, Acting P.J.

D047447 In re Jordan H. et al., Juveniles

The appeals are dismissed. Aaron, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D047694 In re Rosa R., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: Huffman, J., Haller, J.

D047378 In re Tracy E., a Juvenile

The appeal is dismissed. McIntyre, J.; We Concur: Benke, Acting P.J., Haller, J.

D047486 In re Tamara M., a Juvenile

The appeal is dismissed. Irion, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D047746 In re Willard W. Jr., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D047658 Leidecker v. Superior Court of San Diego County/People

Let a writ issue directing the superior court to vacate its order of July 29, 2005, denying a certificate of probable cause and enter an order granting the certificate. The opinion is final as to this court immediately. (Cal. Rules of Court, rule 24(b)(3)). Irion, J.; We Concur: McConnell, P.J., Aaron, J.

D047118 Sierra Window Concepts, Ltd. v. Superior Court of San Diego County/Race et al.

The petition is denied. The stay issued September 14, 2005, is vacated. Real Parties in Interest to recover costs in this proceeding. Irion, J.; We Concur: Huffman, Acting P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 28, 2006 (Continued)

D045820 Boychuk et al. v. Ingersoll et al.

The Boychuks' motion to dismiss the appeal is denied. The December 29, 2004 order is reversed to the extent the trial court ordered that the Ingersolls and others may enter and use the view triangle area for maintenance purposes only. In all other respects, the order is affirmed.

McIntyre, J.; We Concur: Huffman, Acting P. J., Irion, J.

D046353 Bannister v. Her et al.

The order is reversed. Irion, J.; We Concur: Benke, Acting P.J., Huffman, J.

D048017 Paulin v. The Superior Court of San Diego County/People

The petition is denied.

D047986 Progressive Healthcare Staffing v. Magic Valley Regional Medical Center

Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 19c)(5)).

D047942 Anitra W. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Anitra W. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D047484 Murphy v. Lopez

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 20(c)(2)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 1, 2006

D044891 In re Marriage of Gilmore and Mumani

The petition for rehearing is denied.

**D046568 Campo Band of Mission Indians v. Superior Court of San Diego
County/Bluehawk**

Let a peremptory writ of mandate issue directing the superior court to (1) vacate its order finding that Bluehawk complied with the procedural requirements of Regulation 004 and compelling the Tribe to arbitrate the merits of Bluehawk's claim and (2) issue a new order compelling the Tribe to submit the issue of Bluehawk's procedural compliance to arbitration and, if the arbitrators conclude that Bluehawk in fact complied with the procedural requirements, to require the Tribe to also arbitrate the merits of Bluehawk's claim. In all other respects, the petition is denied. The stay issued on June 10, 2005 will be vacated when the opinion is final as to this court. Bluehawk is entitled to costs in the writ proceeding. CERTIFIED FOR PUBLICATION McIntyre, Acting P.J.; I Concur: McDonald, J.; I respectfully dissent (Opinion) Benke, Acting P.J.

D044855 McGuire v. Pine Tree Lumber Company

The trial court's order granting McGuire's motion for new trial is affirmed. Aaron, J.; We Concur: McConnell, P.J., Haller, J.

D045726 People v. Harrell

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D046836 Adoption of K. C. et al., Minors

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 1, 2006 (Continued)

D040473 Gober et al. v. Ralphs Grocery Company

The order denying Ralphs' motion for a judgment notwithstanding the verdict is reversed and the matter is remanded to the trial court with directions that it modify the judgment for the Finton Plaintiffs by reducing the award of punitive damages to six times their respective compensatory damages awards. The Finton Plaintiffs' appeal from the new trial order is dismissed as moot. The order denying the award of postjudgment interest is affirmed as to the Finton Plaintiffs and reversed as to Gober and Swann. The trial court is directed, upon proper motion, to award Gober and Swann postjudgment interest on their compensatory and punitive damages awards. Gober and Swann are entitled to their costs on appeal. Ralphs is entitled to its costs on appeal as to the Finton Plaintiffs. CERTIFIED FOR PARTIAL PUBLICATION McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D046403 People v. Owino

The order is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D047453 In re A. R., a Juvenile

The appeal is dismissed. Huffman, Acting P.J., We Concur: Nares, J., Irion, J.

**D047696 Beckwith v. Superior Court of San Diego County/Interinsurance Exchange
of the Automobile Club of Southern California**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 2, 2006

D046835 In re Janeen H., a Juvenile

The jurisdictional and dispositional orders are affirmed. Benke, Acting P.J.;
We Concur: Huffman, J., Haller, J.

D047103 In re Renee O. et al., Juveniles

The orders are affirmed. The motion to augment the appeal record is granted. McDonald, J.;
We Concur: Benke, Acting P.J., Irion, J.

D046052 People v. Thornton et al.

The order granting specific performance and dismissing the charged counts is vacated.
Defendants Thornton and McClaurin shall be returned to the positions they had before the court
accepted the plea bargains. The judgment is reversed. CERTIFIED FOR PUBLICATION.
McConnell, P.J.; We Concur: Haller, J., Aaron, J.

D047764 In re McNeal on Habeas Corpus

The petition is denied for failure to state a prima facie case for relief. (People v. Duvall (1995) 9
Cal.4th 464, 474-475.)

D047657 In re Newby on Habeas Corpus

The petition is denied.

D047916 Tucci v. Kropp

The appeal is dismissed for appellant's failure to timely designate the record (Cal. Rules of
Court, rule 4(a) and 5(a).

D047760 In re Ibanez on Habeas Corpus

The petition is denied.

D048106 People v. Wright

The letter from superior court dated February 6, 2006 refusing the defendant's request to
reconsider custody credits is not appealable. The issue of custody credits may, however, be
raised by way of a petition for writ of habeas corpus. The appeal is dismissed.

**D048065 San Diego Police Department et al. v. Superior Court of San Diego
County/King**

The petition is denied.

D048114 People v. Portis

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 3, 2006

D047438 Elwood-Garza v. City of San Diego et al.

Pursuant to California Rules of Court, rule 8, the appeal filed October 28, 2005, is dismissed for appellant's failure to timely designate the record.

D047806 Albertson's Inc. v. Superior Court of San Diego County/Wilcox

Petition is denied.

D046406 In re P.C., a Juvenile

The opinion filed February 8, 2006, is ordered certified for publication with the exception of part III.

D047787 In re Salazar on Habeas Corpus

The petition is denied without prejudice to refiling in San Diego Superior Court, 220 West Broadway, San Diego, CA 92101.

D047705 Seymour v. Heritage Operating LP

Appellant's motion to vacate dismissal and reinstate the appeal is granted. Amended designation/costs must be filed within 10 days from the date of this order.